8.3 Cultural Resources

The Henrietta Peaker Project (HPP) consists of a 91.4-megawatt (MW) (net), natural-gas-fired, simple-cycle power plant located approximately 10 miles southwest of Lemoore, California, on a seven-acre portion of a 20-acre parcel owned by GWF Energy LLC (Figure 8.3-1). The HPP will interconnect to the existing adjacent Pacific Gas and Electric Company (PG&E) Henrietta Substation through a new 550-foot 70-kilovolt (kV) transmission line supported on two new transmission poles (Figure 8.3-2). Other linear facilities include an approximately 16.5-foot water interconnection pipeline (from the site property boundary) and a 2.2-mile Southern California Gas Company natural gas interconnection pipeline. Additionally, approximately five acres will be used for temporary construction laydown and parking. The temporary staging/parking areas will be located within the 20-acre parcel, as shown on Figure 2-3a.

Cultural resources include archaeological and historical sites, objects, and districts; historic structures; cultural landscapes; and sites of concern to local Native Americans and other ethnic groups. This section documents the cultural resources that could be adversely affected by the construction and operation of the HPP. Measures are proposed to mitigate potential adverse impacts to cultural resources.

This analysis was completed in compliance with California Energy Commission (CEC) *Instructions to the California Energy Commission Staff for Review of and Information Requirements for an Application for Certification* (CEC, 1992) and *Rules of Practice and Procedure and Power Plant Site Certification Regulations* (CEC, 2000). Detailed information on the cultural resources in the study area for the HPP has been included in a confidential technical appendix (Appendix C) to this Application for Certification (AFC) and submitted to the CEC under a request for confidentiality pursuant to Title 20, California Code of Regulations (CCR), Section 2501 et seq.

8.3.1 Affected Environment

8.3.1.1 Study Area

The plant site and all linear project components were subjected to a records search within a 0.75-mile study area (i.e., 0.75 miles on each side of the centerline for linear components, and a 0.75-mile study area around the outer boundaries of the plant site). Table 8.3-1 outlines all project components addressed in this section.

8.3.1.2 Project Description

A detailed project description can be found in Section 2.0.

8.3.1.3 Environmental Setting

The environmental setting of the HPP is the central San Joaquin Valley. Topographically, the valley is an expansive flatland comprising alluvial floodplains, river and creek channels, dried lakebed, marshes, sloughs, and various other riparian environments. The environmental setting is also characterized by uplands of low and gradual relief. Regionally, the land slopes gently to the east. During prehistoric times (i.e., late Pleistocene and early Holocene), wetlands covered more than 3,000 square miles of the San Joaquin Valley area (Moratto, 1984). The HPP area lies to the north of the Tulare Lake bed and south of the Kings River. The plant site is at an elevation of approximately 225 feet above mean sea level (MSL) and is relatively flat with little topographic relief.

8.3.1.4 Prehistory

The now-desiccated wetlands of Tulare Lake and its sister to the south, Buena Vista Lake, have been the focus of most archaeological research in the southern San Joaquin Valley. It is from this area that numerous local chronologies have been constructed.

During the 1930s, W.R. Wedel conducted archaeological excavations at a complex of midden and burial sites along the southwestern perimeter of Buena Vista Lake (Wedel, 1941), in particular at the ethnohistoric Yokuts village of Tulamniu. The results of his archaeological program at Ker-39 and Ker-60 (Tulamniu, now Ker-116) and adjacent hilltop

cemeteries (Ker-40 and Ker-41) led Wedel to conclude tentatively that there were typological relationships between these Central Valley sites and other archaeological assemblages outside of the region.

On the basis of milling artifact and burial types and other traits, Wedel speculated that there were similarities between the taxonomies applicable to lower deposits of Ker-39 and Ker-60, the Oak Grove culture found along the Santa Barbara coast, and the Early Horizon in the San Joaquin Delta. Moratto (1984) also notes similarities between archaeological manifestations at the Buena Vista and the Oak Grove localities that include extended burials, milling stones, and stemmed and leaf-shaped projectile points. Wedel also described patterns in the upper deposits of the southern San Joaquin sites that suggest ties to the Middle Delta and Late Horizon and even stronger associations with southern California groups.

Excavations in the 1950s at Tulare Lake led archaeologists Warren and McKusick (1959) to propose the following tripartite chronology for the Southern San Joaquin Valley region. This chronology was recognized, in part, by burial practice.

1. Early: ? to 2000 B.C.
   The preferred burial position is extended, supine or prone, with no burial goods.

2. Middle: 1500 B.C.–A.D. 500
   The preferred burial position is supine, semiflexed, with few burial goods.

3. Late: A.D. 500 to ethnographic present
   The preferred burial position is tightly flexed on the side or in a supine position. There are usually a moderate amount of burial goods, and the individuals are often interred with artifacts of European origin.

This chronology is essentially based on variations of the older three-horizon "Delta Sequence" (i.e., river deltas at the confluence of the San Joaquin and Sacramento Rivers, east of San Francisco Bay), which proposed the following chronology: an early period, a transitional period, and a late period.

The Warren and McKusick tripartite chronology was supplanted by a much longer chronology in the 1960s, when new archaeological excavations by Fredrickson (1964) at the previously excavated Ker-116 site resulted in the discovery of a deeper stratum. This work

began to fill in the unknown early period (the "?" in the early period proposed by Warren and McKusick).

Evidence of Early Holocene Paleoindian (circa 12000–8000 Before Present [B.P.]) cultural activities within the southern San Joaquin Valley has been firmly substantiated, though the sites do not necessarily span the region in great quantity. The paleo-shoreline sites of Tulare Lake have provided nearly all of the diagnostic materials, including fluted projectile points (described as Clovis-like), scrapers, and chipped crescents (Moratto, 1984). The fluted projectile points of the San Joaquin Valley sites associate with sites to the east, in the Mojave Desert, and can be loosely classified into a "Far Western Fluted-Point Tradition" (Moratto, 1984). These sites appear along paleo-shorelines, piedmont zones of former grasslands and in mountain passes associated with fossil lakes. The lithic assemblage typically contains chipped stone crescents, gravers, scrapers, choppers, perforators, and various fluted points.

The often-cited Witt site, situated along the paleo-shores of Lake Tulare in the San Joaquin Valley, has produced numerous fluted chert points, scrapers, chipped crescents, Lake Mojave–type points, and other artifacts associated with the so-called Fluted-Point Tradition. The Witt site (surface dimensions measuring 1.5 miles long and 0.5 miles wide) has also yielded numerous specimens of extinct early Holocene fauna in similar contexts to the cultural materials. If these finds are generally contemporaneous, the area could have fluted-point cultural connections earlier than 11,000 B.P. (Moratto, 1984). It is of interest to note that a fluted point was found in the Tehachapi Mountains (Moratto, 1984), which is in proximity to the project area.

Fredrickson (1964), while working on the paleo-shoreline of Buena Vista Lake at site Ker-116, discovered a stratum deeper than those previously excavated. Artifacts and apparently associated freshwater mollusk shell were discovered below the strata excavated in the 1930s. The results of radiocarbon dating on the shell suggest that the site and hence the region were initially occupied at least 8,000 years B.P. If the Buena Vista Lake dates on shell and their association with cultural materials are valid, the site may be a manifestation of the Western Pluvial Lakes Tradition. Although this tradition was originally described by Bedwell (1970) as a

subsistence-settlement pattern adapted and focused on post-Pleistocene pluvial lakes, Great Basin investigations suggest a more complex response to changing environmental conditions.

8.3.1.5 Ethnography

The study area is located within the ethnographic boundaries of the Southern Valley Yokuts, the historical occupants of the central and southern San Joaquin Valley (Figure 8.3-4). The discussions below are primarily derived from Wallace (1978).

"Yokuts" is a term applied to a large number of people inhabiting the San Joaquin Valley and Sierra Nevada foothills of central California. The Southern Valley Yokuts tribes inhabited the southern or lower end of the San Joaquin Valley, from the lower Kings River to the Tehachapi Mountains, and formed the nucleus of a culture that differed in significant respects from that of the northern and foothill Yokuts tribes. Many of the differences can be attributed to ecological factors. The lifestyle of the Southern Valley Yokuts tribes was closely integrated with the natural circumstances of the unique lake-slough-marsh environment central to their territory. The homeland of the Southern Valley Yokuts included Tulare, Buena Vista, and Kern Lakes, their connecting sloughs, and the lower portions of the Kings, Kaweah, Tule, and Kern Rivers (Wallace 1978). Ethnohistoric Yokuts tribes occupying the area north of Tulare Lake near Lemoore included the Wimilchi, the Telamni, and the Nutunutu, which had an aggregate population of perhaps 2,000 people in precontact times.

The lake and marshland environment of the southern San Joaquin Valley sheltered an enormous variety and abundance of wildlife and permitted the Southern Valley Yokuts tribes to occupy fairly permanent annual residences. The Southern Valley Yokuts relied heavily on fish, waterfowl, roots (especially tule roots), seeds, mussels, turtles, shellfish, and rabbits. Acorns were not readily available in the San Joaquin Valley floodplain and thus did not constitute as large a staple food source as they did among other California Indians.

The biological family consisted of a husband, wife, and their offspring and formed the basic domestic and economic unit in Southern Valley Yokuts society. Family groups were affiliated in patrilineal totemic lineages, but no extensive political unity existed within the several Southern Valley Yokuts tribes. Instead, they were split into self-governing, local groups

or miniature tribes averaging 350 members. Each had a special name for itself, spoke a different dialect, and claimed a strip of territory of about 250 square miles. The territory was owned collectively, and every tribal member enjoyed the right to utilize the resources of the territory. In some localities, individual women claimed tracts that yielded plentiful supplies of seeds.

In some cases, a single village constituted a political unit, but usually the tribelet was divided among several permanent settlements, with the largest recognized as dominant. The names and approximate locations of almost 50 ethnohistoric Southern Valley Yokuts settlements are known. People lived for most of the year in the permanent village, and vacated in family groups in the late spring or early summer for varying periods of time to gather seeds and other wild plant foods. Camp locations were shifted with the change of seasonally available crops through the summer and into the fall, but people would return to the seasonal village for the winter. Overall, Southern Valley Yokuts communities tended to remain relatively stable.

The smallest and least elaborate residences were the single-family dwellings. These were pole-framed, domed structures on an oval floor plan, with large tule mats covering the wooden framework. Long, steep-roofed communal residences sheltered ten families or more; sections of the big mat-covered structures, each with its own fireplace and door, were apportioned to individual families. Other structures included mat-covered granaries and at least one communally owned sweathouse per village. The men did their daily sweats and, occasionally, slept in these sweathouses.

The Southern Valley Yokuts were encountered by the Spaniards soon after they settled in California. In the fall of 1772, Pedro Fages led a small band of soldiers through Tejon Pass and down into the southernmost part of the San Joaquin Valley. There, he visited a native village on the shores of Buena Vista Lake before continuing his westward journey to San Luis Obispo.

After a visit by the friar and explorer Francisco Garces in 1776, there was infrequent contact between the Spanish and the Southern Valley Yokuts for nearly three decades. However, a new series of Spanish expeditions into the interior began in 1806. No ranchos were established in the lake country, and the Mexican influence on the tribes appears to have been

slight until 1833. In that year, an epidemic of unusual severity, possibly malaria, devastated the native population. An estimated mortality rate of 75 percent occurred during this period.

The great influx of nonnative populations (i.e., Europeans), shortly after the annexation of California by the United States in 1848, led to a rapid cultural breakdown—and the near-total disappearance—of the Southern Valley Yokuts tribes. Although there was no gold in the valley to draw the vast immigrations of the Gold Rush, settlers seeking farm and ranch lands soon overran the country, driving out or disenfranchising the surviving Yokuts. Surviving Southern Valley Yokuts went to the Fresno Reservation, located on leased land near Madera, or the Tejon Reservation, established at the base of the Tehachapi Range.

In 1970, approximately 325 Yokuts lived on the 54,110 acres of the Tule River Reservation. Their economy was fairly good and relatively stable due to the employment of most of the men in the lumber industry, income from the harvest of Indian-owned timber, and the lease of grazing lands.

8.3.1.6 History

The first European explorers reached the Tulare Lake area during the expedition of Spanish Captain Pedro Fages to the San Joaquin Valley in 1772. Fages, who was at that time acting governor of Alta California, was in pursuit of deserters from the Spanish army (Hoover, Rensch, and Rensch, 1966).

The Spanish focused their settlements on the coast and in nearby valleys, leaving the interior largely to its original inhabitants. Although the Spanish entered and explored the Central Valley in 1775, they established no permanent settlement in the interior. After successfully throwing off Spanish rule in 1820–1824, the Mexicans continued the general pattern of settlement in California established by the Spanish government. Late in the 1830s, the Mexican government began to grant ranchos to Mexican and foreign settlers. Although the ranchos tended to be clustered in the vicinity of formerly Spanish coastal settlements, a few were located in the interior. However, no Spanish or Mexican land grants were made in Kings County (Hoover, Rensch, and Rensch, 1966; Bissell, 1990).

Kings County was organized in 1893 from a part of Tulare County and was later augmented by two small parts of Fresno County. The county is named for the Kings River, which was originally given the name "El Rio de los Santos Reyes" in 1805 by Spanish Explorers. The dominant feature of the county in historic times was Tulare Lake, which in 1865 was 40 by 65 miles, with another large area covered by marsh. The lake and its surrounding marshes were gradually drained for irrigation. The city of Lemoore, closest town to the HPP site became an incorporated city on July 11, 1900 and was named after a visionary man named Dr. Lavern Lee Moore, who organized individual farming families into a working community (Hoover, Rensch, and Rensch, 1966).

8.3.2 Cultural Resources Inventory

8.3.2.1 Documentary Research

Prior to conducting the field survey of the HPP site, a record search was performed at the Southern San Joaquin Valley Information Center (SSJVIC) of the California Historic Resources Information System (CHRIS). The record search encompassed the HPP site, its associated linear facilities, and a 0.75-mile-radius area around them. Information was requested on archaeological sites and historic built environment resources. Information sources included the National Register of Historic Places, California Historic Landmarks, California Register of Historic Resources, and California Points of Historical Interest. This record search was conducted on May 10, 2001 (RS #01-253). A second record search was conducted on May 22, 2001 (RS #01-257) after an additional linear component was added to the project. Both record searches indicated that prior archaeological surveys had not been conducted in the study area. Additionally, there are no previously recorded cultural resources in the study area.

8.3.2.2 Native American Consultation

Concurrent with the records search at the SSJVIC and prior to the field survey, the California Native American Heritage Commission (NAHC) was contacted for a list of local Native American groups and/or individuals with knowledge of cultural resources within or near the study area (defined as a one-mile radius around the HPP site and its associated linear facilities). These consultations also sought to identify any sacred lands within the study area

listed in the NAHC's Sacred Lands File. A record search of the file did not indicate the presence of Native American cultural resources in the immediate area of the HPP site.

A letter describing the proposed HPP and its components and a map of the proposed HPP plant site were sent to the one person identified by the NAHC. The letter inquired whether he or any members of his group had concerns about the project or wished to provide input regarding cultural resources in the project area. One respondent informed URS that his tribal members did not recall any Native American village sites within the vicinity of the HPP, but that he knew of a historic Indian farm house/ranch settlement and a prehistoric site within one-mile of the project area. This individual and a representative from his tribal Elders Council made a site visit on June 14, 2001. Due to the proximity of known sites in the area this individual and his tribal community are concerned that the construction of the HPP could result in the discovery of previously unknown cultural resources. They recommended that a Native American monitor be present during excavation activities. The log documenting this correspondence can be found in the confidential technical report, Appendix C.

8.3.2.3 Key Personnel Qualifications

The URS cultural resources personnel who conducted and/or supervised the field survey and prepared the technical report and this section are:

- Brian Hatoff, MA, RPA (Principal Investigator)
- Rachael Egherman, BA (URS Archaeologist)

Mr. Hatoff meets the professional standards of the Secretary of the Interior (*Standards and Guidelines for Archeology and Historic Preservation*, National Park Service, 1983) and is professionally certified by the Register of Professional Archaeologists.

8.3.2.4 Field Survey Methodology and Coverage

The cultural resources inventory provided the basis for evaluating project impacts to cultural resources likely to be present in the project area. Review of the inventory results indicated that no portions of the project area had previously undergone archaeological survey,

suggesting the need for a field inventory. Wherever possible, a pedestrian survey was conducted. In all cases, the subject lands were visually inspected.

Archaeology. Figure 8.3-3 illustrates the project components and the areas surveyed for cultural resources. Table 8.3-2 gives the specific coverage details and field conditions encountered at each project component. A crew of six archaeologists and field technicians conducted the field survey on May 17–18, 2001. The pedestrian survey covered the 20-acre proposed HPP site plus a 200-foot buffer zone around it, in 65-foot linear transects. For the linear features, a 400-foot corridor (200 feet on either side of the centerline) was surveyed in 65-foot linear pedestrian transects. However, the survey corridor had to be narrowed in one area along the proposed gas pipeline route where a fenced-in modern (post-1970s) New Star warehouse facility is located. This facility is entirely paved and would have afforded zero ground visibility had it been surveyed. Construction would not affect this built environment feature and is therefore considered to be outside the Area of Potential Effect (APE) for the HPP.

Built Environment. No historic built environment structures in the vicinity of the HPP exhibit qualities that would make them eligible for inclusion on the National Register of Historic Places or the California Register of Historic Resources. Only two facilities exist within or near the project APE. Because the structures are not over 50 years old, they are not considered historically significant, and no further research or recordation is necessary. The New Star facility is a trucking transfer station that would not be affected by the HPP and is therefore considered outside the project APE. The second facility is the Henrietta Substation, which is inside the project APE. This substation was constructed in the 1960s. Limited construction activities would be performed inside the Henrietta Substation to interconnect the HPP transmission line. These built environment facility locations are shown on Figure 8.3-2 and identified as “developed industrial” in the legend.

Survey Results. Except for the areas where the corridors were obstructed, ground visibility was good. No prehistoric or historic resources were located during the survey. No historic built environment resources were located during the survey.

8.3.2.5 Sensitivity

Although no prehistoric resources were located during the survey, and no recorded prehistoric resources are known to exist within 0.75 miles of the HPP site and its linear facilities, the members of the Native American community consulted for this project are aware of unrecorded sites within one mile of the project area. The sensitivity of the HPP project area is moderate for prehistoric sites potentially eligible for inclusion on the National Register of Historic Resources. The sensitivity of the HPP is low for historic resources potentially eligible for inclusion on the National Register of Historic Resources. No historic resources were located during the survey, and no historic resources are known to exist within 0.75 miles of the project area.

8.3.3 Environmental Consequences and Direct, Indirect, and Cumulative Impacts

No impacts to cultural resources are anticipated. However, unidentified buried cultural resources could potentially be present. Because no significant impacts to cultural resources are anticipated as a result of the HPP, no direct, indirect, or cumulative effects on the cultural resources of the area are anticipated.

8.3.4 Mitigation Measures

8.3.4.1 General Mitigation Measures

No significant or potentially significant cultural resources are known to exist within the study area. It is possible that previously unknown cultural resources may be discovered in the course of the construction of the HPP. Construction personnel will be instructed to halt their activities if such materials are discovered. In the event of unanticipated discoveries of previously unknown cultural resources, a qualified archaeologist will evaluate the find for significance and, if necessary, recommend further mitigation measures.

The HPP will document and report to the CEC the discovery during construction of any previously unknown significant cultural resources and consult with CEC staff regarding the management of any such resources, including the design and implementation of appropriate mitigation measures if the resource cannot be avoided.

If human remains are encountered during construction activities, work will stop immediately within 100 feet of the discovery, and the provisions of California Health and Safety Code Section 70500.5, Public Resources Code Section 5097.98, and other applicable sections shall apply.

It is anticipated that the construction of the HPP would not result in any avoidable direct or indirect impacts to significant cultural resources. Consequently, the HPP would not contribute to cumulative, adverse, direct or indirect impacts to cultural resources in the study area.

8.3.4.2 Proposed Conditions of Certification

Proposed conditions of certification are contained in Appendix K. These conditions are proposed in order to ensure compliance with applicable LORS and/or to reduce potentially significant impacts to less-than-significant levels.

8.3.5 Laws, Ordinances, Regulations, and Standards

A discussion of the applicable LORS follows (see Table 8.3-3). Federal regulations, which generally only apply to federal undertakings, are included here for the sake of completeness.

8.3.5.1 Federal Authorities and Administering Agencies

National Historic Preservation Act of 1966 (NHPA), as amended (16 United States Code [USC], Section 470 et seq.; NHPA Section 106; 36 Code of Federal Regulations [CFR] 800): This authority includes provisions for protection of significant archaeological and historical resources. Procedures for dealing with previously unsuspected cultural resources discovered during construction are identified in 36 CFR 800 (for implementing NHPA Section 106 processes). The administering agency for this authority is the State Historic Preservation Officer (SHPO) and the federal lead agency. Federal involvement has not yet been identified for the HPP; a lead federal agency will be identified if the HPP is determined to be a federal undertaking.

National Environmental Policy Act of 1968 (NEPA), as amended (USC Sections 4321–4327; 40 CFR 1502.25): NEPA requires analysis of potential environmental impacts to cultural resources. Federal involvement has not yet been identified for the HPP; a lead federal agency will be identified if the project is determined to be a federal undertaking.

Federal Antiquities Act of 1906 (16 USC 432, 433): This act serves as the basis for legislation regarding the preservation of cultural properties on federal lands, provides for a permit process for scholarly use of properties, and stipulates misdemeanor-level penalties for theft, vandalism, or destruction of cultural resources. Federal involvement has not yet been identified for the HPP; a lead federal agency will be identified if the project is determined to be a federal undertaking.

Executive Order 11593: Directs federal agencies to inventory cultural properties under their jurisdiction, to nominate properties to the National Register of Historic Places, and to use due caution until the inventory and nomination processes are completed. Federal involvement has not yet been identified for the HPP; a lead federal agency will be identified if the project is determined to be a federal undertaking.

Archaeological Resources Protection Act of 1979 (42 USC 470aa et seq.): This act provides felony-level penalties for removal or damage to archaeological resources that are more than 100 years old. Federal involvement has not yet been identified for the HPP; a lead federal agency will be identified if the project is determined to be a federal undertaking.

Native American Graves Protection and Repatriation Act of 1990 (25 USC 3001): This act establishes the rights of Indian tribes and Native Hawaiians to claim ownership of certain cultural items held or controlled by federal agencies. Federal involvement has not yet been identified for the HPP; a lead federal agency will be identified if the project is determined to be a federal undertaking.

Archaeological and Historic Preservation Act of 1976 (16 USC 469): This act provides for the preservation of historical and archaeological data that might otherwise be lost as the result of a federal construction project or a federally licensed or assisted project. Federal

involvement has not yet been identified for the HPP; a lead federal agency will be identified if the project is determined to be a federal undertaking.

Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (September 29, 1983): These guidelines are nonregulatory standards for the gathering and treatment of data related to cultural resources. The administering agency for the above authority is the Secretary of the Interior and the lead federal agency, which will be identified if the project is determined to be a federal undertaking.

Prevention of Significant Deterioration Permit (PSD): Provided when the project is a federal undertaking and requires compliance with Section 106 of the NHPA. A PSD permit is not required for the HPP.

American Indian Religious Freedom Act of 1979 (42 USC 1996): It is the policy of the United States to protect and preserve the right of American Indians (and other indigenous groups) to express and exercise their traditional religions, including access to religious sites. Federal involvement has not yet been identified for the HPP; a lead federal agency will be identified if the project is determined to be a federal undertaking.

8.3.5.2 State Authorities and Administering Agencies

California Environmental Quality Act (CEQA), Section 15064.5; California Public Resources Code, Sections 5024, 5024.5, and 21083.2; Title 14, CCR Section 15126: CEQA addresses the treatment of cultural resources that could be affected by the HPP, the importance of these resources, potential project impacts to important cultural resources, and the development of a plan to avoid or mitigate any adverse effects to these resources. Formal findings of importance (for state purposes, eligibility for the California Register of Historic Resources) and project effects are made by the lead state regulatory agency or, for federal undertakings, in consultation with the federal lead agency, the State Historic Presentation Officer, and the Advisory Council on Historic Preservation. The administering agency for this authority is the CEC.

California Public Resources Code, Sections 25523(A), 25527; 20 CCR Sections 1752, 1752.5, 2300–2309, and Chapter 2, Subchapter 5, Article 1, Appendix B, Part (i): This authority provides that the CEC consider protection of environmental quality in its decision on an AFC. This AFC includes a detailed description and discussion of potential environmental impacts in the project area. In its evaluation, the CEC is also required to give special consideration to the need for protection of unique historical, archaeological, and cultural sites. The administering agency for this authority is the CEC.

California Health and Safety Code, Section 7050.5: This authority provides for County Coroner identification of human remains and, if determined to be of Native American origin, coordination with the Native American Heritage Commission. The administering agency for this authority is the Kings County Sheriff-Coroner (Medical Examiner).

California Public Resources Code, Section 5024.1: This authority provides for the establishment of the California Register of Historic Resources and describes the procedures for nominating sites to the register. The administering agency for this authority is the State Historical Resources Commission.

California Public Resources Code, Sections 5097.94 and 5097.98: This authority provides for mediation of disputes related to the recovery and treatment of Native American remains and the identification of Most Likely Descendants. The administering agency for this authority is the Native American Heritage Commission.

California Public Resources Code, Section 5097.5: This authority makes it a misdemeanor to remove, without authorization, archaeological resources or paleontological remains from sites located on public lands. The administering agency for this authority is the Kings County Planning Department.

8.3.5.3 Local Authorities and Administering Agencies

Open Space Element of the Kings County General Plan: Goal 26 of the open space element stipulates the preservation of significant historical and archaeological sites and

structures in Kings County. Kings County also follows all provisions of CEQA regarding cultural resources. The administering agency for this authority is the Kings County.

City of Lemoore: Although the HPP is not located within the City of Lemoore, the administrative agency for the City of Lemoore will be consulted regarding conformance with the cultural resources provisions of CEQA.

8.3.5.4 Industry Codes and Standards

No industry codes or standards are applicable to the HPP.

8.3.6 Involved Agencies and Agency Contacts

Agencies with jurisdiction to issue applicable permits and/or enforce LORS related to cultural resources are shown in Table 8.3-4.

8.3.7 Permits Required and Schedule

No permits pertaining to cultural resources are required.

8.3.8 References

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TABLES

Table 8.3-1
Project Components

Component	Description
Plant Site	A seven-acre project site, on 20-acre parcel in Kings County.
Linear Components	
Transmission Route	A 550-foot-long transmission line between the HPP and the PG&E Henrietta Substation.
Water Pipeline Route	A 16.5-foot line connecting the HPP site with the Westlands Water District pipeline.
Natural Gas Pipeline Route	A 2.2-mile natural gas pipeline route partially within a paved road and a dirt farm road.
Construction Staging Area	
Construction Staging/Parking Area	An approximately five-acre area located within the 20-acre project site.

Table 8.3-2
Archaeological Survey Coverage by Project Component and Field Conditions

Project Component	Field Conditions	Comments
Plant Site	95 percent ground visibility, area spans agricultural lands, which at the time of the survey had small cotton seedlings growing affording good ground visibility.	Pedestrian field inspection, good ground visibility.
Transmission Route	95 percent ground visibility, area spans a dirt farm road, a portion of the Henrietta Substation, and agricultural lands, which at the time of the survey had small cotton seedlings growing affording good ground visibility.	Pedestrian field inspection, good ground visibility.
Natural Gas Pipeline Route	0-95 percent ground visibility, area spans a paved road, agricultural lands, and a wide dirt road. Within the paved portion of 25th Avenue and in the agricultural field south of Avenal Cutoff Road and west of 25th Avenue where dense barley was growing at the time of the survey there was zero ground visibility. The area where the New Star facility is located was not inspected.	Pedestrian field inspection, good ground visibility except along the paved road and in the one agricultural parcel with dense barley growth.
Water Pipeline Route	The 16.5-foot right-of-way is not markedly different from the project site described above.	Pedestrian field inspection, good ground visibility.

Table 8.3-3
Summary of LORS and Compliance

Jurisdiction	Authority	Administering Agency	Requirements/Compliance	AFC Conformance Section
Federal †	NHPA, as amended; 16 USC § 470 et. seq.; Section 106; 36 CFR § 60.4 and 800.	SHPO/Lead Federal Agency †	Formal findings by the lead federal agency for cultural resources in consultation with the State Historic Preservation Officer and the Advisory Council on Historic Preservation. Implement procedures for dealing with cultural resources discovered during construction.	8.3.5.1, Appendix K
Federal †	NEPA; 42 USC §§ 4321 - 4327; 40 CFR § 1502.25.	Lead Federal Agency †	Analysis of potential environmental impacts on federal lands.	8.3.5.1, Appendix K
Federal †	Federal Antiquities Act of 1906: 16 USC §§ 432, 433	Lead Federal Agency †	Basic legislation for preservation of cultural properties on federal lands.	8.3.5.1, Appendix K
Federal †	Executive Order 11593	Lead Federal Agency †	Directs federal agencies to inventory, nominate properties to the National Register of Historic Resources and protect cultural resources	8.3.5.1, Appendix K
Federal †	Archaeological Resources Protection Act of 1979 (16 USC § 470a et seq.).	Secretary of the Interior and Lead Federal Agency †	Provides for felony-level penalties for destruction, damage or removal of cultural resources on federal lands.	8.3.5.1, Appendix K
Federal †	Native American Graves Protection and Repatriation Act of 1990 (25 USC § 3001).	Lead Federal Agency †	Establishes mechanism for right of Indian tribes to claim ownership of human remains and certain cultural items.	8.3.5.1, Appendix K
Federal †	Archaeological and Historic Preservation Act of 1976 (16 USC § 469)	Secretary of the Interior and Lead Federal Agency †	Provides for coordination with the Secretary when a federally licensed undertaking may cause irreparable damage to significant cultural resources.	8.3.5.1, Appendix K
Federal †	Secretary of the Interior's Standards and Guidelines, September 29, 1983.	Secretary of the Interior and Lead Federal Agency †	Establishes standards for the gathering and treatment of data related to cultural resources.	8.3.5.1, Appendix K

Table 8.3-3 (continued)
Summary of LORS and Compliance

Jurisdiction	Authority	Administering Agency	Requirements/Compliance	AFC Conformance Section
Federal †	Prevention of Significant Deterioration (PSD) permit.	U.S. Fish and Wildlife Service † (via delegation to South Coast Air Quality Management District)	Requires compliance with Section 106 of the National Historic Preservation Act.	8.3.5.1, Appendix K
Federal †	American Indian Religious Freedom Act of 1979 (42 USC 1996)	Lead Federal Agency †	Gives American Indians the right to express and exercise their traditional religions, including access to religious sites.	8.3.5.1, Appendix K
State	California Environmental Quality Act (CEQA) § 15064.5; California Public Resources Code §§ 5024, 5024.5, and 21083.2; Title 14, CCR § 15126.4.	CEC	Formal findings by the lead state agency regarding project-related effects to important cultural resources.	8.3.5.2, Appendix K
State	Cal. Pub. Res. Code §§ 25523(A), 25527; 20 CCR §§ 1752, 1752.5, 2300–2309, and Chapter 2, Subchapter 5, Article 1, Appendix B, Part (i).	CEC	Special consideration of unique historical, archaeological and cultural sites.	8.3.5.2, Appendix K
State	Cal. Health & Safety Code § 7050.5.	County Sheriff-Coroner (Medical Examiner)	Determination of origin of human remains and coordination with Native American Heritage Commission.	8.3.5.2, Appendix K
State	Cal. Pub. Res. Code § 5024.1	State Historical Resources Commission	Provides for the establishment of the California Register of Historic Resources and procedures for nominating sites to the Register.	8.3.5.2, Appendix K
State	Cal. Pub. Res. Code § 5097.94 and 5097.98.21	Native American Heritage Commission	Provides for mediation of disputes related to recovery and treatment of Native American remains and identification of Most Likely Descendants.	8.3.5.2, Appendix K
State	Cal. Pub. Res. Code § 5097.5	Kings County Planning Department	Makes it a misdemeanor to remove, without authorization, archaeological or paleontological resources on sites located on public lands.	8.3.5.2, Appendix K

Table 8.3-3 (continued)
Summary of LORS and Compliance

Jurisdiction	Authority	Administering Agency	Requirements/Compliance	AFC Conformance Section
Local	Kings County Planning Department – General Plan Open Space Element; Goal 26	Kings County	The county follows all provisions of CEQA. The General Plan Open Space Element Goal 26 stipulates the preservation of significant historical and archaeological sites and structures within the county.	8.3.5.3, Appendix K
Local	City of Lemoore Planning Department	City of Lemoore	The city follows all provisions of CEQA.	8.3.5.3, Appendix K
Industry	None applicable.	--	--	8.3.5.4, Appendix K

† This project is not a federal undertaking at this time and is not expected to trigger any of the federal LORS described herein.

Table 8.3-4
Agency Contacts

Agency	Contact	Telephone Number
California Energy Commission 1516 9th Street, MS-2000 Sacramento, CA 95814-5512	Dale Edwards	(916) 654-3929
Native American Heritage Commission 915 Capitol Mall, Room 364 Sacramento, CA 95814	Rob Wood Associate Governmental Program Analyst	(919) 653-4040
Kings County Sheriffs Department 1444 West Lacey Boulevard Hanford, CA 93230	Ken Marvin Sheriff-Coroner	(559) 582-3211
Kings County Planning Department 1400 West Lacey Boulevard, Building 6 Hanford, CA 93230	Chuck Kinney Planner	(559) 582-3211 ext. 2674
City of Lemoore Planning Department 210 Fox Street Lemoore, CA 93245	Gloria Hobbs Planner	(559) 924-6740